

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
vs.) Case No. 1:10-cv-8038-LSC-TMP
)
) 1:08-cr-129-LSC-TMP
MARCUS DANTE FRAZIER,)
)
)
Defendant/Movant.)

O R D E R

After holding an evidentiary hearing in this case on May 25, 2011, the magistrate judge filed his report and recommendation on September 27, 2011, recommending that the motion to vacate or set aside sentence filed by Marcus Dante Frazier pursuant to 28 U.S.C. § 2255 be denied and dismissed with prejudice. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the motion to vacate or set aside sentence filed pursuant to 28 U.S.C. § 2255 in the above-styled cause is due to be and the same is hereby DENIED and DISMISSED WITH PREJUDICE.

Done this 31st day of October 2011.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
167458